

KARINEH KHACHATOURIAN (SBN 202634)

karineh.khachatourian@klgates.com

BRYAN J. SINCLAIR (SBN 205885)

bryan.sinclair@klgates.com

MICHAEL R. HAVEN (SBN 208721)

mike.haven@klgates.com

K&L GATES LLP

630 Hansen Way

Palo Alto, California 94304

Telephone: 650.798.6700

Facsimile: 650.798.6701

Attorneys for Plaintiff and Counter-Defendant

PHOENIX TECHNOLOGIES LTD.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

PHOENIX TECHNOLOGIES, LTD., a
Delaware corporation,

Plaintiff,

vs.

DEVICEVM, INC., a Delaware corporation,
and BENEDICT CHONG, an individual,

Defendants.

DEVICEVM, a Delaware corporation,,

Counter-Claimant,

vs.

PHOENIX TECHNOLOGIES LTD., a Delaware
corporation,

Counter-Defendant.

Case No. 4:09-CV-04697-CW (EDL)

**STIPULATION AND ORDER RE:
DISMISSAL**

Judge: Hon. Claudia Wilken
Room: 2, 4th Floor

Complaint Filed: July 17, 2009
Trial Date: September 19, 2011

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby stipulate to the dismissal of this action, including all claims and counterclaims, with prejudice in its entirety with each party bearing its own costs and fees.

K&L GATES LLP

Dated: May 27, 2010

By: /s/

Karineh Khachatourian

Attorneys for Phoenix Technologies Ltd.

O'Melveny & Myers LLP

Dated: May 27, 2010

By: /s/

David Enzminger

Attorneys for DeviceVM, Inc.

ORDER

Upon the parties' stipulation, and good cause appearing therefor,
IT IS SO ORDERED.

Dated: May 27, 2010

By:



Honorable Claudia Wilken
United States District Court Judge

SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the concurrence in the filing of this document from all the signatories for whom a signature is indicated by a “conformed” signature (/s/) within this e-filed document and I have on file records to support this concurrence for subsequent production for the court if so ordered or for inspection upon request.

Dated: May 27, 2010

By: /s/

Karineh Khachatourian

Attorneys for Phoenix Technologies Ltd.